

**EFFECTS OF ORGANIZATIONAL CHANGE ON PERFORMANCE OF THE
KENYAN JUDICIARY: A CASE STUDY OF MILIMANI LAW COURTS**

BRIDGID JEPKEMBOI KONG'A

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DECLARATION

This research project is my own work and has not been presented in any other institution of learning for the award of a degree or any other certificate.

Signature.....

Date.....

Bridgid Jepkemboi kong'a

GMB/NBE/0733/05/12

This research project has been submitted for examination with my approval as the Kabarak University supervisor.

Signature.....

Date.....

Dr. Kennedy Ogollah (PhD)

Lecturer –Kabarak University.

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DEDICATION

I dedicate this work to my family, my husband Ben and our adorable daughter Chepchumba.

ABSTRACT

Following the adoption of the new constitution by the Kenyan Government in the year 2010, the Judiciary undertook a transformation process which was necessitated by the demand by the people of Kenya through the constitution. Kenya's Judiciary has therefore embarked on massive transformation initiative which includes decentralization of power, structural changes, adopting ICT as an enabler of justice, redefined individual roles, better communication channels and change in leadership who have been publicly vetted. The main objective of this project is to analyze the effects of organizational change on performance of the Kenyan Judiciary since the entry of the current administration in the year 2011. Previous research has not concentrated on the performance of the Judiciary with the new leadership hence this research seeks to bridge that gap in knowledge. The study targeted a population of 1,102, which comprised of 102 senior advocates in Nairobi and 1000 litigants who visited Milimani Law Courts. Systematic sampling was used to sample the litigants whereby 10% represented the population. Questionnaire with closed, multiple choice and open ended questions was used to collect data which was then analyzed using SPSS version 21. The relationship between independent and dependent variables were done through path analysis with independent variables with $p < 0.01$ being excluded. The overall agreement on the positive effect by the structural changes adopted was at 72%, ICT at 74%, organizational communication at 66% and leadership at 61%. The findings demonstrated that the new judicial system has shown an overall transformation in the manner in which Judiciary has been offering its services to the public. The Judiciary should therefore continue to give a special focus on improving organizational performance. I wish to recommend that similar studies be done in other stations outside Nairobi to determine how organizational change in the Judiciary has affected their performance.

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ABBREVIATIONS AND ACRONYMS

ICT	-	Information and Communication Technologies
CoE	-	Committee of Experts
LSK	-	Law Society of Kenya
GOK	-	Government of Kenya
JTF	-	Judiciary Transformation Framework
JSC	-	Judicial Service Commission
IPMAF	-	Integrated Performance Management and Accountability Framework
IPMAS	-	Integrated Performance Management and Accountability System

CHAPTER ONE:

INTRODUCTION

This chapter discusses the background of the study, statement of the problem, the objectives, the research questions, justification and the scope of the study. Organization and organizational change has been properly elaborated here. Both the Kenyan Judiciary and the Judicial systems globally has also been discussed in this chapter.

1.1 Background of the Study

Robbins, Judge and Sanghi (2009) define an organization as a person, or a group of people intentionally organized to accomplish an overall mutually agreed, common goal or set of goals. They further describe change as any action or set of actions resulting in a shift in direction, or processes that affects the way an organization works. Change may affect the strategies an organization uses to carry out its mission, the process of implementing those strategies, the tasks and functions performed by the people in the organization, and the relationships between those people. Organizational change means movement or alteration from the current state to a new or future desired state.

Organizational change is normally a reaction or response to challenges or changes within or without the organization's operating environment. Some of the internal organization factors that necessitate change include; planned changes in strategy from a revised mission or goals, efforts to introduce cultural changes such as management style, collaborative working, need to improve quality, efficiency and effectiveness of service and better use of resources, need to standardize procedures and processes, and redeployment of resources (Pearce and Robinson, 2010).

According to Robbins *et al.* (2009), among external factors that may result in organizational change, some include: technological development; new innovations, creative technological adaptations that affect planning, communication such as computer and internet that have revolutionized business operations. Globalization; opening up of national and international borders, knowledge explosion. Political changes such as direction and stability of political factors, legal and governing parameters, and new legislation.

1.1.1 Judicial Systems Global Perspective

After the French Revolution, lawmakers stopped interpretation of law by judges, and the legislature was the only body permitted to interpret the law; this prohibition was later overturned by the Code Napoléon. In civil law jurisdictions at present, judges interpret the law to about the same extent as in common law jurisdictions, however it is different than the common law tradition which directly recognizes the limited power to make law. For instance, in France, the *jurisprudence constante* of the Court of Cassation or the Council of State is equivalent in practice with case law. However, the Louisiana Supreme Court notes the principal difference between the two legal doctrines: a single court decision can provide sufficient foundation for the common law doctrine of *stare decisis*, however, "a series of adjudicated cases, all in accord, form the basis for *jurisprudence constante*." Moreover, the Louisiana Court of Appeals has explicitly noted that *jurisprudence constante* is merely a secondary source of law, which cannot be authoritative and does not rise to the level of *stare decisis* (Cook, 2008).

Many countries have embraced information technology use in their court systems. Transparency and effectiveness are emphasized as two positive consequences of the use of information and communication technologies (ICT) in courts. It has expanded the possibilities of access to information and judicial decisions. Brazilian court system used to be manual in nature; the decisions used to be written even for cases related to mass litigation. For a client to know the contents of the litigation, one had to physically go to court. A daily follow-up of every case was required in order to avoid surprises such as the missing of deadlines. The process used to be time consuming but since they embraced ICT, all the previous challenges have been eliminated (Bhattacharjee, 2012).

1.1.2 History of the Kenyan Judiciary

The Judiciary is the system of courts of justice in a country, the arm of government charged with the responsibility to administer justice. Every country has this arm and in Kenya, it is established under chapter 10 of the Constitution of Kenya 2010. It is independent from other government functions and provides a forum for the just resolution of disputes in order to preserve the rule of law and to protect the rights and liberties guaranteed by the Constitution of Kenya. Over the years measures to provide just resolution of disputes has improved.

Throughout Kenya's history, the Judiciary has not been perceived as the faultless handmaiden of justice and guardian of human rights that it ought to be. From the inception of the colonial Kenyan State in 1895 to date, the public has generally been skeptical of the Judiciary. In the colonial era, the system of justice was segregated, and it marginalized the indigenous people to the Native tribunals. On the other hand, the settler community was served by a court system presided by expatriate judges and magistrates. In this judicial system, the point of contact between the indigenous Kenyan and the Judiciary was predominantly penal, and indigenous judicial systems were denied recognition on the pretext that they were repugnant to justice and morality. This segregated system was designed to facilitate the exploitation of the indigenous Kenyan by legitimating the unrepresentative colonial state while denying basic rights to indigenous Kenyans (Republic of Kenya, 2004).

At independence, the dual system was abolished and merged into a modern court system, although the marginalization of indigenous judicial systems remained unaddressed. Further, the Judiciary continued to be dominated by foreigners, both in terms of personnel and practices. Even more significantly, this Judiciary was purposely designed to serve the interests of the government of the day. This assignment of a narrow role to the Judiciary was achieved through the establishment of constitutional rules that enabled the Executive to control the Judiciary, rules which remained in place until the promulgation of a radically different Constitution in August 2010 (Republic of Kenya, 2012).

Although the independence Constitution granted the Judiciary some measure of formal independence, it was treated as a government department and not as an equal and independent arm of government. Indeed, the formal grants of independence were later removed through constitutional amendments. As a result, the Judiciary lost institutional autonomy and became a handmaiden of the Executive. At the same time, it is noteworthy that the Chief Justice wielded immense powers under this Constitution, which powers were often exercised to undermine the decisional independence of judicial officers who, in any case, were treated as civil servants. In these circumstances, the tyranny that was often perpetuated by the Executive and other state organs invariably went unchecked and unsanctioned, and society suffered as a result (Republic of Kenya, 2011).

The period between the advent of multi-party politics in 1992 up to the passage of the new Constitution in 2010 witnessed some attempts to restore credibility to the much-maligned Judiciary. Ultimately, the Kenyan public lost confidence in the Judiciary. So much so that in the aftermath of the disputed presidential elections in 2007, which resulted in violence leading to the loss of many lives, destruction of property and displacement of people, those who felt aggrieved by the poll results were adamant that they would not take the matter to court as they did not trust the Judiciary to dispense justice impartially (Republic of Kenya, 2011).

It is within this context that the Committee of Experts (CoE), charged with consolidating and harmonizing proposals for a new constitution from the review process, recommended that all judges should resign after the adoption of the new Constitution. Kenyans wanted all serving judicial officers to go home. While this radical suggestion did not materialize and Kenyans instead chose to subject all judicial officers to a vetting process, the message was clear: transform or perish (Republic of Kenya, 2011). The vetting exercise is an acknowledgement of the important role that the Judiciary is now required to play in bringing about a new societal order as envisaged by Kenyans through the new Constitution. In order to fulfill this noble mandate, the Judiciary must be fit for purpose. It has to reengineer and reposition itself with philosophical clarity, jurisprudential authority, managerial competence and unquestionable integrity.

Administration of justice in Kenya has been associated with political servitude, low standards of professionalism, widespread corruption and delinquent jurisprudence, financial insecurity, elitist legal system, and expensive adjudication and enforcement hence undermining realization of just outcomes. The Kenyan judiciary was called upon to do more than simply resolve disputes. It must be deliberately repositioned to play the critical role of protecting the Constitution, fostering social and political stability, and promoting national socio-economic development. It must do so by interpreting and implementing the Constitution in a manner that promotes the national values and principles of governance. In short, it bears the onerous duty of breathing life into the aspirations of the Kenyan people as expressed in the Constitution.

For the Judiciary to effectively fulfill its constitutional mission and mandate, respond to the high public expectations and demands for improved performance, and command the respect of the public, its first task was to transform itself. The 31st of May 2012 marked an important day for the Kenyan Judiciary when the Judiciary Transformation Framework was launched under the leadership of the Chief Justice Dr. Willy Mutunga. The launch indicated great transformation prospects in an organ of government that has been perceived as conservative and insular. The strategic plan would guide the judiciary in delivering tangible results to Kenyans, as well as continued pursuit of Kenya's vision 2030 and achievement of the millennium development goals. In the plan, judiciary redefines its vision, mission, objectives and strategies, sets outcomes and performance benchmarks.

Dr. Mutunga in his 120 day address on 19th October 2012 said "Upon assuming office, we found an institution so frail in its structures; so thin on resources; so low on its confidence; so deficient in integrity; so weak in its public support that to have expected it to deliver justice was to be wildly optimistic. We found a Judiciary that was designed to fail. The institutional structure was such that the office of the Chief Justice operated as a judicial monarch supported by the Registrar of the High Court. Power and authority were highly centralized. Accountability mechanisms were weak and reporting requirements absent. When we put people on a pedestal it is based on negative power and authority. That is the old order". For successful change management and implementation of strategies to achieve organization mission, goals and objectives, an organization structure, leadership and management framework and the desired organization culture and behavior need to be developed and put in place (Pearce and Robinson, 2010).

Currently, the Kenyan Judiciary since launching its transformation framework has done the following; increased the number of judges and magistrates to preside over cases, expansion of court infrastructure throughout the country, particularly in marginalized areas, reduction of case backlog, application of ICT to deliver better services and fight corruption, expansion of training, mobilization of resources to finance operations, and a re-affirmation of their independence. In the past year, the Judiciary has undertaken measures to promote public engagement by its judicial and administrative branches. Judges gave lectures at institutions of higher learning, staff visited prisons and children's homes. A country-wide series of culture change workshops for all staff in all stations has also been conducted.

The study will give attention to the performance of Judiciary staff and factors related to the organization structure, technology, individual roles and leadership that affect their performance. It will also find out the challenges faced by head of stations in their management activities, intervention measures they have put in place and suggest possible solutions and recommendations.

1.1.3 Changes that have Taken Place in the Kenyan Judiciary

Since transformation, the Judiciary has grown technological, organizational, institutional and human resource capabilities. The Judiciary was grossly understaffed and operated at 47 per cent of the established staff capacity. In the past year, the Judicial Service Commission (JSC) has hired 251 senior staff bringing the total staff to 4,192 (Republic of Kenya, 2012). These include a Chief Justice, Deputy Chief Justice, 5 Supreme Court Judges, seven Judges of the Court of Appeal, 36 Judges of the High Court, the Chief Registrar of the Judiciary and the Deputy Chief Registrar, 7 Directors, 5 Registrars, 109 Resident Magistrates, and 63 Legal Researchers, among others. It has also recruited 12 judges of Industrial Court, 15 judges for Environment and Land Court and 23 Kadhis.

The establishment of the Vetting Board conferred with the responsibility to vet Judges and Magistrates is an important institution for restoring public confidence in the Judiciary. The board has achieved this by auditing the efficiency, integrity, competence and effectiveness of judicial officers serving before the promulgation of the Constitution on August 27, 2010. As a result, those who are not fit are removed from office. The Office of the Judiciary Ombudsperson was set up to receive and investigate complaints against judicial officers by the public, and by the staff against each other or against their employer. This measure was complemented by the statutory vetting of judicial officers, which was initiated as an activity independent of the Judiciary.

Through the Judicial Training Institute, the Judiciary is developing a sentencing and bail handbook that will be made available to all judicial officers. Studies and consultations have started on the development and implementation of alternative dispute resolution mechanisms as envisaged in Article 159 (2) c of the Constitution. In addition, draft Court User Committees Guidelines have been developed and are under discussion with stakeholders.

In the year 2012, the Judiciary, in partnership with a mobile money transfer service provider, launched a traffic court fines payment system, “*Faini Chap Chap*” in order to facilitate the payment of fines by the public.

Aware that ICT plays a major role in facilitating access to justice, the Judiciary has completed a strategy that seeks to deploy information communication technology to reduce distances to court, accelerate service delivery and create a virtual 24- hour Judiciary. With the creation of a directorate to manage ICT, the Judiciary has embarked on a two-pronged strategy to build the infrastructure and impart skills to staff. Some of the more accessible uses of ICT in the delivery of justice include the launch of the short code number, 5834, for lodging complaints with the Office of the Judiciary Ombudsperson, and the unveiling of the mobile phone money transfer payment system in use for traffic fines, “*Faini Chap Chap*”.

The Judiciary’s organizational structure was highly-centralized at the national level, and convoluted at the station level. Individual court stations each had their own internal organizational structures. Links between the centre and the station level were haphazard and lacked an appreciation of matrix or network reporting. There was, thus, lent weak vertical and horizontal accountability. Splitting of the Office of the Chief Registrar has been done vertically (between five registrars) and horizontally (between seven directorates, each headed by a director). All 12 new position holders are now in place, playing a crucial role in leading the Judiciary’s transformation. A professional Judiciary Transformation Secretariat, headed by a Judge, has also been established to coordinate the overall transformation.

Job descriptions were largely non-existent. This made it impossible to objectively and systematically assign institutional objectives and targets to individuals. The natural consequence of this was an ineffectual focus on performance and results for Kenyans. Heralding a new culture of planning within the Judiciary, court stations were for the first time ever involved and integrated into the strategic planning process. The result is that every court station in Kenya now has a strategic plan unique to its environment and context. A real sense of ownership of these plans, and the JTF overall has been realized.

While the Judiciary Transformation Framework has been used to cascade planning to court stations, an equally important process, involving “all-staff” inductions has been done. This process, which is being effected through a country-side series of culture change workshops involving all staff in every station, commenced in early July 2012. All staff in the Judiciary have been introduced to the workings of the JTF, which is the primary tool being employed to introduce culture change.

The Judiciary was characterized by chronic under-capacity in leadership and management offices, excessive centralization and personalization of leadership spaces, widespread nepotism, tribalism and clientelism within a highly patriarchal and paternalistic work environment. There were significant imbalances between judicial and administrative staff within a largely artificial context of overall under-staffing given existing judicial workloads and service delivery levels. The quality of professional support to judicial officers was far from adequate, with many cadres within the administration function lacking both professional training and skills – a feature that was especially pronounced at the point of justice/service delivery – the (devolved) court station level. Significant progress has been made in strengthening and improving leadership and management structures in the Judiciary. This begun with the reconstituted and revamped Judicial Service Commission which, in accordance with Section 14 of the Judicial Service Act, 2011, has delegated some of its functions to its subcommittees. There is also a multi-stakeholder Leadership and Management Committee established, while at devolved level, these committees exist in all High Court stations. In addition, executive offices/secretariats have been established and strengthened for the Chief Justice, Deputy Chief Justice, Chief Registrar, the President of the Court of Appeal, the Presiding Judge of the High Court, the Heads of High Court Divisions and Heads of Stations.

For the first time ever, performance management has been institutionalized in the Judiciary. A Performance Management Directorate has now been established, and a Director for Performance Management, who reports directly to the Chief Justice, has been competitively recruited. Further, the draft Integrated Performance Management and Accountability Framework (IPMAF) and System (IPMAS) has been successfully rolled out.

1.2 Statement of the Problem

The independence of the judiciaries in many jurisdictions brought about the urge to provide efficient services both in litigation and client service. The judiciary of Kenya in its quest to transform its image and restore public confidence to its systems is transforming to improve service delivery. With the promulgation of the new constitution in 2010, it is clear that the working of the Judiciary among other government entities have been faced with the need to change in order to meet the citizens' expectations.

At the onset of the new administration, the average waiting time for a case from filing to its disposal was more than 5 years at the high court and 6 years in the court of appeal. To this end, the Judiciary has employed a number of initiatives in the areas around structural changes, ICT, redefinition of individual roles, organization communication and the overall leadership outlook. This research therefore seeks to establish the effects of this raft of initiatives on the performance of the Judiciary.

Previous studies were mainly conducted on the Judiciary before its transformation and therefore concentrated on the performance of the Judiciary during the pre-reforms period. For example, a research by Republic of Kenya (2000) sought to find the factors affecting efficient service delivery in the Kenya Judiciary. Another study by ICJ Kenya Chapter (2006) sought to establish the basis for growing concerns on service delivery by the Judiciary. Most researchers in the world have however researched on introduction of ICT in the Judiciary. Thus, there is a knowledge gap regarding the effects of organizational change on performance at the Judiciary hence this research seeks to bridge that gap in knowledge.

1.3 Objectives of the Study

1.3.1 General Objective

The general objective of the study is to determine the effects of organizational change on performance of the Judiciary in Kenya.

1.3.2 Specific Objectives

The specific objectives of the study include to;

1. Determine the effects of structural changes on the performance of the Judiciary in Kenya.
2. Explore the effects of ICT use on the performance of the Judiciary in Kenya.
3. Establish the effects of organization communication on the performance of the Judiciary in Kenya.
4. Determine the effects of leadership on the performance at the Judiciary in Kenya.

1.4 Research Questions

1. What is the effect of structural changes on the performance of the Judiciary in Kenya?
2. What is the effect of ICT use on the performance of the Judiciary in Kenya?
3. What is the effect of organization communication on the performance of the Judiciary in Kenya?
4. What is the effect of leadership on the performance at the Judiciary in Kenya?

1.5 Justification of the Study

For strategic use of resources, improve organizational performance and its effectiveness, to achieve any planned change, it is important to have an organization structure that meets the strategy requirements of the organization, have the right management and leadership capability who champion the achievement of organizational goals and objectives. The right organizational culture should also be in place which is aligned to the organizational vision and mission and offers conflict resolution forum. The results of this study may help the judiciary management to identify gaps and improve on their performance.

For any one aspiring to be a head of station in the judiciary, results of the research may provide such person with further insight into the efficiency of the organizational changes effected so far in the Judiciary. It may also help the researcher to identify opportunities where knowledge on strategic management can be applied.

The research findings may add to the existing body of knowledge and other researchers in the justice sector may use the results of the research as reference for further future researches. A project report being a requirement for the award of MBA degree, successful completion of the project report may enable the researcher to be awarded the degree.

1.6 Scope of the Study

The study was conducted within Nairobi city where the target population which includes 102 senior advocates and 1000 litigants filled the questionnaires. According to LSK, there are 102 senior advocates practicing within Nairobi city hence census method was employed. Systematic sampling was used to reach at 100 litigants issued with questionnaires. In every ten people visiting Milimani Law Courts, the ninth person was issued with a questionnaire. Data was collected from 30th September, 2013 to 30th October, 2013.

1.7 Definition of Key Terms

Commitment : Refers to an employee's level of attachment to some aspect of work (Meyer and Allen, 2001).

Leadership : Refers to the influence processes that affect the interpretation of events for followers, choice of objectives for the group of organization, organization of work activities to accomplish the objectives, motivation of followers, maintenance of cooperative relationships and teamwork, and the enlistment of support and cooperation from people outside the group or organization (Vroom, 2004).

Motivation : Refers to the inner force that drives individuals to accomplish personal and organizational goals (Lindner, 2008).

Organizational Change : Refers to movement or alteration from the current state to a new or future desired state (Robins et al 2009).

Organizational Performance : Refers to the actual output or results of an organization as measured against its intended outputs or goals and objectives (Elding, 2005).

Organizational Communication : Refers to the general communication processes and dynamics within organizations, including interpersonal group relations within organizations, decision-making and conflict management; the use of symbols to create and maintain organizational images, missions and values; power and politics within organizations; and human interaction with computer technology (Van Reil et al 2007).

Team: Refers to a joint action by a group of people, in which each person subordinates his or her individual interests and opinions to the unity and efficiency of the group (Heathfield 2009).

Organization Structure : It consists of activities such as task allocation, coordination and supervision, which are directed towards the achievement of organizational aims (Cook 2008).

Information and Communications Technology : It refers to technologies that provide access to information through telecommunications. It is similar to Information Technology (IT), but focuses primarily on communication technologies. This includes the Internet, wireless networks, cell phones, and other communication mediums (Filho 2009)

1.8 Limitations of the Study

The researcher experienced a challenge in securing the senior advocates and litigants precious time considering their busy working schedules. The researcher therefore structured the questionnaire to be brief. The researcher eliminated biased responses from respondents who had lost cases in the past by explaining to the target population the value of the study in improving service delivery at the Judiciary. The researcher also exercised utmost patience and care while delivering the research instrument making every effort possible so as to acquire sufficient data from the respondents.

CHAPTER TWO:

LITERATURE REVIEW

2.1 Introduction

Organizational change is one of the most currently discussed topics in strategic management. This research has endeavored to get in-depth knowledge on the issues of organizational change. In addition, it has concentrated in reviewing of theories and going through empirical studies in the topic done by various scholars all over the world concerning approaches to leadership, structural changes, ICT, communication channels and how it affects organizational performance. This chapter outlines the conceptual framework of organizational change and organizational performance, explains organizational change as a mediating variable

It highlights the conceptual framework that illustrates the relationship of variables in this study and culminates with a summary of the literatures reviewed highlighting the gaps in Kenya.

2.2 Theoretical Literature Review

Several theories have been put forward in trying to understand and explain the complexities of organizational change. A theoretically based model broad enough to capture the potential relationships among the many factors established as predictors of performance is yet to be proposed. One factor that may be limiting such an undertaking is the proposal of an applicable theoretical framework broad enough to support such a model.

This study is guided by the following theories; the group dynamic theory, the gestalt field psychologist theory, the open school system theory, and the contingency theory. These theories will try to explain various organizational changes that influence performance in an organization. The group dynamic theory explains the effects of organizational communication on the performance of the Kenyan Judiciary, the gestalt field psychologist theory explains the effects of leadership on the performance of the Kenyan Judiciary, the open school system explains the effects of ICT on the performance of the Kenyan Judiciary while the contingency theory explains the effects of structural changes on the performance of the Kenyan Judiciary.

2.2.1 The Group Dynamic Theory

A group can be defined as several individuals who come together to accomplish a particular task or goal. Group dynamics refers to the attitudinal and behavioral characteristics of a group. Group dynamics concern how groups form, their structure and process, and how they function (Etcoff 2005). Communication is key in the group dynamic theory. Basically, the theory means that when individuals share common activities, they will have more interaction and will develop attitudes (positive or negative) towards each other. The major element in this theory is the interaction of the individuals involved. Kurt Lewin's looks at group dynamics as the collective interactions that take place within a group.

Lewin found that, as individuals participate in different life spaces such as family, church, work or school, behavior was represented as movements through life spaces that carry both positive and negative influences and are driven by ones perceptions based on their interactions with other members of a group. Communication is fundamental in groups. Group dynamic theory argues that individual behavior is an interplay between the intensity and the valence of the forces (positive or negative), impinging on the person. It also argues that, in order to bring change, the focus should be on influencing group behavior, through group norms, beliefs and value systems rather than the individual, because individual behavior is under constraint to conform to group behavior. This view has been influential in developing both the theory and practice of change management (Marcus, 2013).

Group cohesiveness refers to the bonding of group members and their desire to remain part of the group. Cohesiveness in work groups has many positive effects, including worker satisfaction, low turnover and absenteeism, and higher productivity. However, highly cohesive groups may be detrimental to organizational performance if their goals are misaligned with organizational goals. Evidence suggests that groups typically outperform individuals when the tasks involved require a variety of skills, experience, and decision making. Groups are often more flexible and can quickly assemble, achieve goals, and disband or move on to another set of objectives. Many organizations have found that groups have many motivational aspects as well. Group members are more likely to participate in decision-making and problem-solving activities leading to empowerment and increased productivity. Groups complete most of the work in an organization; thus, the effectiveness of the organization is limited by the effectiveness of its groups (Lafasto et al 2001).

Leaders who embrace teamwork in most cases realize success in their organizations when it comes to effectiveness and efficiency. When people are part of a group they interact and communicate in different ways to how they would on a one-to-one basis hence for a group to work well, effective communication is needed. This theory tries to explain how organization communication influences performance at the Kenyan Judiciary.

2.2.2 The Gestalt Field Psychologist Theory

Based on Lewin's work, Rummel indicates that inner personal needs cause tensions, or driving forces that result in locomotion towards or away from a goal, which is expressed as behavior. Leaders should be keen on satisfying the inner personal needs of individuals in an organization in for staff under them to put their best in the organization. On Edward Tolman's work, Rummel points out the belief-value matrix which comprise the person's cognitive differentiations, categorizations, types, beliefs and values that enable him/her to know how to satisfy his/her needs as they arise and to evaluate the objective world relative to them as an improvement on Lewin's work.

Gestalt field psychologist theory states that learning is a process of gaining or changing insight, outlook, expectations or thought patterns, and an individual's interactions with the environment is only a partial explanation. It argues that an individual's behavior is as a result of environment and reason. It takes into account a person's action, responses they elicit and also the interpretation of those actions. The theory helps leaders understand the needs of individual members working under them and their immediate environments which may lead to behavioural change. The theory forms the foundation for performance improvement through motivation and performance based incentive rewards and organization behavior reinforcement. This theory tries to explain how leadership influences performance in the Kenyan Judiciary.

2.2.3 The Open School System Theory

Lawrence, Lorsch and Thompson, (2011) viewed organizations has been composed of interconnected subsystems, change in one part of the system will have an impact on other parts of the system and hence the overall performance of the organization as a whole. According to them, organizations that had stable, predictable environments were most efficient and productive when they used a traditional hierarchical structure, while those exposed to rapidly changing environments or technologies, were more successful if they embraced technology in their day-to-day activities.

The authors found that the higher the level of external change and uncertainty, the more subsystem's specialization was necessary, which in-turn created a need for better technologies and cooperation among diverse groups within an organization. The inputs such as technology are transformed and then yield products or services called outputs which would improve efficiency. Outputs are then released into the environment (Sarah and Toman, 2005). This theory tries to explain how ICT influences organizational performance in the Kenyan Judiciary.

2.2.4 The Contingency Theory

Contingency theory is a behavioral theory that claims that there is no single best way to design organizational structures. Organizational structure refers to how individual and team work within an organization are coordinated. To achieve organizational goals and objectives, individual work needs to be coordinated and managed. Structure is a valuable tool in achieving coordination, as it specifies reporting relationships (who reports to whom), delineates formal communication channels, and describes how separate actions of individuals are linked together (De Charms, 2002). The best way of organizing an organization, is, however, contingent upon the internal and external situation of the organization. The contingency approach to organizational design tailors the design of the company to the sources of environmental uncertainties faced by the organization. The point is to design an organizational structure that can handle uncertainties in the environment effectively and efficiently (Skinner 2011).

Companies operating in less stable environments operated more effectively, if the organizational structure was less formalized, more decentralized and more reliant on mutual adjustment between various departments in the company. Likewise, companies in uncertain environments seemed to be more effective with a greater degree of differentiation between subtasks in the organization, and when the differentiated units were heavily integrated with each other (Lawrence and Lorsch 2011). On the other hand, companies operating in more stable and certain environments functioned more effectively if the organization was more formalized, centralized in the decision-making and less reliant on mutual adjustment between departments. Likewise, these companies do probably not need a high degree of differentiation of subtasks and integration between units. This theory helps us understand the structural changes adopted by the Judiciary and how it affects performance.

2.3 Empirical Literature Review

An empirical study is one that uses statistics to make an indisputable point rather than simply quote experts. It involves evidence/observations. It simply means- based on observation. It is one where either an experiment was done and the results were observed or one where something was happening without the observer's influence and the results were observed.

Organizational change is any action, or set of actions resulting in a shift of direction or process that affects the way an organization works (Robbins *et al.*, 2009). Change can be deliberate and planned by leaders within the organization or may originate from outside the organization. It may affect strategies used in carrying out organization's mission, the processes of implementing the strategies, tasks and functions performed by the people in the organization, and the relationships between the people. Change is a fact of organizational life, if it has to survive and thrive in the unpredictable and dynamic environments it operates in. Forces that drive organizational change may be from within the organization's internal environment or from its immediate operating industrial environment or from the remote environment (Pearce and Robinson, 2010).

Change may be further defined when viewed from an evolutionary perspective as transitional, transformational, or developmental. Transitional change, the most common, improves the current state through minor, gradual changes in people, structure, procedures, or technology. These management-driven changes may be department or division specific, or organization-wide, in their attempt to enable the organization to get better at what it does. Transformational change efforts represent a fundamental, radical shift that rejects current paradigms or questions underlying assumptions and mind-sets. Transformational change represents leadership-driven modifications of culture, formulation of drastically different strategy, or demands for conformity due to a merger or acquisition by a dominant company. Although transformational change is disruptive in nature, its successful execution has been identified as leading to increased competitiveness, to the extent that an organization can clearly differentiate itself in the market (Steve, 2005).

The majority of organizational changes can be considered structural changes, according to Balogun (2004). These types of changes typically impact how a company is run, from the traditional top-down hierarchy. Some examples of these types of changes include the implementation of a new, company-wide computer system or a company-wide non-smoking policy. Other structural changes include any changes to the company's hierarchy of authority and company-wide administrative procedures. Structural changes can also be considered transformational changes.

2.3.1 Information and Communication Technology

In the last two decades there has been a widespread use of ICT around the world due to the expected benefits that have been achieved by the governments and organizations that have embraced it. ICT is a technology like computers, software, peripherals, and internet connections infrastructure required to support information processing in order to execute and delivery of services. According to Larsen (2003), at the organizational level, ICT is widely accepted, though not fully appreciated. It is integration in organizational functions is necessary for increased efficiency, cost-effectiveness, and competitiveness. The tendency usually has been, to approach such integration from the technology level, leading to escalating costs without corresponding efficiency in gains. This leads to disillusionment, skepticism, and reduced organizational commitment and resources to support ICT services and systems. Information and communication technology (ICT) and the internet are becoming important tools for the advancement of public sector services and organizations as espoused in the ongoing e-government process currently underway in most government bodies. Public institutions are increasingly providing information and public services to the public by use of internet and this process motivates the society to use the information and telecommunication technologies in order to take advantage of the e-government platforms.

The Judiciary will benefit immensely if they adopt ICT in their execution of services to the general public. There are many important factors in this process, with ICT the Judiciary will be able to reach and access judicial services to different clients more efficiently than before. According to (Bhattacharjee, 2012) Computerization and Information technology have played a major role in improving the quality and delivery of justice.

ICT has introduced more efficiency into the Judiciary; increase trial speed without sacrificing thoroughness of investigation, it may facilitate improvement of trial quality by ensuring efficient allocation of judicial resources, facilitate access and exchange of judicial information, increase uniformity of judicial practice and interpretations of the law, especially on the level of lowest (first instance) courts, and minimize malpractice and occurrence of judicial errors. ICT is also an essential tool for implementing independence of the Judiciary. ICT may also increase accessibility to judicial defense for society by means of simplifying court filing procedures, simplifying legal assistance in simple standard cases, and facilitating the understandability of the judicial decisions.

The influence of ICT changes traditional perception of the sources of law. Legal information processed through ICT tools emerges as the digital sources of law, which become more and more important in comparison to traditional sources. ICT also offers unmatched possibilities for indexing and referencing of legal information, legal research, as well as support and automation of these processes, which may produce novel rules and principles, which may be relied as subsidiary sources of law (Larsen, 2003). Failure of the Judiciary to adopt ICT threatens failing to solve the existing problems of the system of justice and might even stifle the development of the information society and arrival of e-government in the country or larger judicial region (Kiskis and Petraskas, 2004). It thus results in a judicial digital divide—inability of the courts to take advantage of the ICT, inability of the Judiciary to serve the citizens and business entities through the ICT, as well as inability to employ ICT tools for solving legal information problems—is a major drawback for the modern information democracy (Fairchild, Vuyst, and Azran, 2006).

The widespread use of ICT has provoked a whole set of questions that vary from the originality of a judicial decision to the parties' protection of privacy. Furthermore, it has redefined the boundaries of lawyers and judges' works as it enables just about anyone to track the law in the making and most of all to question the professional decisions they make. On the other hand, this direct contact has a significant impact on the courts' effectiveness as it reduces time and increases participation. As a consequence, what used to be a ciphered knowledge becomes then available to the parties who no longer feel the necessity to go through a professional's mediation in order to know what is happening and anticipate what may happen, (Filho, 2009).

2.3.2 Organization Communication

Pace and Faules (2004) define organization communication as the display and interpretation of message among communicating units that are part of a particular organization, organized in hierarchical relation to each other and functioning in an environment. According to Torrington and Weightman (2004), organization communication is a product of deliberate attempts by management to communicate, or enable specific communications within organization structure and to the outside environment.

The authors further state that the organization structure or the formal arrangement of working relationships is itself a communication as it tells organization members important things about their place such as how distant they are from the centre and their official status is. The organization structure is a prime communication medium as there is an assumption that information will travel up and down it enshrined in doctrines of responsibility, accountability, reporting, and grievance and disciplinary procedures, and its lateral and vertical connections provide communication relation to coordination, mutual support and advice. Eisenberg, Goodall and Trethemey (2007) define organizational communication as balancing creativity and constraint focusing on how individuals use communication to work out the tension between working within constraints of the pre-existing organizational structures and promoting change and creativity such as when an organization is undergoing major change initiative, information transfer approach to organization communication would require change messages to be sent clearly to all members in the organization and communication that fosters the desired change while being sensitive to the existing constraints of the organization.

According to McNamara (2004), most experts on organization's management and leadership assert that effective communication is the foundation for effectiveness in any type of organization and that as leaders and managers mature, they realize the need to effectively convey and receive information and efforts at communications (internal and external) increase substantially. The author further identifies key principles to effective communication as; Management that comprehends and fully supports organizational communications; Effective skills in communication such as basic skills in listening, speaking, questioning and sharing feedback; sound meeting management skills; Each team member taking responsibility to assert when they do not understand a communication and suggest how to make it more effective.

Baker (2002) states that effective organizational communication from Human Resource view point focuses on openness in communication between senior management and employees resulting in improved employee engagement and productivity. Also in a cross-cultural environment, building and maintaining report for business relationships depends on the effective use of language and understanding differing communication styles.

Van Reil and Fombrun (2007) points out that communication is at the heart of organizational performance and encompasses the organizational initiatives that demonstrate social responsibility and good citizenship. They further indicate that effective organizational communication contributes directly to learning, team work, safety, innovation and quality decision-making in organizations and has become a strategic tool for employee engagement, satisfaction and retention in this age of increased competition for talent.

McNamara (2004) pointed out some of the causes of problems in internal communication as: Leaders and managers assumption that because they are aware of some piece of information, then everyone else is too and usually staff are not aware unless management makes deliberate attempts to carefully convey the information; When organizations are just getting started their leaders can often prize themselves as not being overburdened with what seems as bureaucratic overhead, including extensive written procedures and policies. As the organization grows it needs more communications and feedback to remain healthy, but the communication may not be valued resulting to increased and reliable confusion unless management matures and realizes the need for increased and reliable communications; Management not really valuing communications and assuming it just happens and may not be aware of who got the information even when they intended it for everyone; Misinterpretation of the information.

Today numerous channels are used for internal and external organization communication such as journals, notice boards, bulletin boards, employee reports, shareholders reports, memos, briefing groups, general meetings, conferences and seminars, senior management meetings, departmental meetings, radio and television, grapevine, intranets, extranets, email and phones (Robbins *et. al.* 2009).

Baker (2002) reports that face to face communication is the most powerful channel of communication while media reports and letters are less effective for information exchange and dynamic channels such as one on one conversations, corridor chats and small group meetings that incorporate dialogue in the workplace, luncheons, roundtable and cross-departmental work groups facilitate communication among employees. The International Association of Business Communicators Research foundation and Right Management Group (2005) found that organization communication is essential as a routine process as it provides updates such as progress in fulfilling organizational goals, reasons for policy changes, ongoing reports from management on business strategy and policies. They also identified the organization's mission statement as a key communication channel both internally and externally. As a business strategy, it communicates and builds organizational identify, goodwill, public image and organizational values.

Fairhust (2001) points out that leadership may be defined as a communication process where the ideas articulated in talk or action are recognized by others as progressing task that is important to them and that leadership may take different forms and be associated with many different styles of communication: Effective leadership that connects with the important values, attitudes and commitments of followers and is viewed as addressing significant issues and facilitating task accomplishment; Effective leadership that balances the need to create strong interpersonal relationships and accomplish tasks, maintain a balance between order and chaos within the organization, and use rewards and punishments to motivate followers; Effective leadership that is context dependent which considers every context as unique and one communication that is appropriate to the special combination of people, time, place and topic.

Robbins et. al. (2009) found out that knowledge management as a communication process organizes and distributes organization's collective wisdom so that the right information gets to the right people at the right time, and improves organizational performance by making employees smarter and also helps control leaks of vital information so that organizational competitive advantage is preserved and maintained for as long as possible. They also state that knowledge management requires an organizational culture that promotes, values and rewards sharing of knowledge and provides the mechanisms and motivation for employees to share knowledge that they find useful on the job and enables them to achieve better performance.

According to Conrad and Poole (2005) a communication network is a group of individuals who may be identified as sharing regular line of communication which may be either centralized (information is funneled through a small number of individuals within the organization) or decentralized (information is shared widely among and flows through many individuals within the organization).

The authors further state that decentralized networks are well suited for managing turbulent and complex environments because organizational members can communicate the changes they perceive in the business environment and each member can contribute ideas and knowledge for managing the changes. Network forms have recently gained importance as they facilitate rapid acquisition, processing and dissemination of information. Network forms in organizations employ relatively flat hierarchies by relying on a flexible emergent communication, develop flexible relationships with the network of organizations that go beyond the local country boundary and use information technology to coordinate units and members located in different geographical locations, and emphasize the use of autonomous, self-managing teams. Local units can manage emerging crises quickly rather than needing to receive permission from a centralized location. Existence of information technology permits rapid dissemination of information and allows differing units to coordinate their response within the global network.

Parks (2005) concluded that, it is important that senior managers communicate directly with employees so that employees understand the organization's business goals, policies and vision and are appraised about what is going on in the organization. Also clear, consistent and honest communication is a management tool for employee engagement and retention and strategic continuous communication lends credibility to the organization's leadership, while lack of or poor communication leads to distrust, dissatisfaction, skepticism, cynicism and unwanted turnover. The researcher also notes that employee participatory management practices create opportunities for employee voice to express opinions, suggestions and concerns about organization practices, policies and strategy, by encouraging upward communication and facilitating employee input in organizational decisions.

2.3.3 Leadership

Organizational managers need to understand each individual employee and their current needs in order to motivate them. Herzberg, Mausner and Snyderman (2009) categorized motivation factors into motivation or intrinsic such as achievement, recognition and interesting challenging work which produces job satisfaction and hygiene or extrinsic factors such as pay, working conditions and job security whose absence produce job dissatisfaction.

Motivation is defined by Lois (2007) as the psychological process that gives behavior purpose and direction. Several theories have been used to describe motivation in organizations and its relationship to organizational performance. Maslow (1970) hypothesized that within every human being, there exists a hierarchy of five needs and he separated them into higher and lower needs. Physiological, safety and social needs form the lower level and esteem and self-actualization form the higher level needs. He argued that lower level needs had to be satisfied before the next higher level needs in order to motivate employees.

Robbins et. al. (2009) point out that for managers to motivate employees; managers should be sensitive and understand individual differences, and what is important to each employee, which allows the manager to individualize goals, level of involvement and rewards to align with individual needs, design jobs to align with individual needs to maximize the motivation potential in jobs; employees should have firm, specific goals and they should get feedback on how well they are fairing in pursuit of the goals; employees should be allowed to participate in decisions that affect them, such as setting working goals, choosing their own benefit packages, solving productivity, quantity and quality problems. This will increase employee productivity, commitment to work goals, motivation and job satisfaction; Link rewards to performance such that rewards are contingent on performance and employee perceive that linkage clearly. If individuals perceive the relationship to be low, the results will be low performance, a decrease in job satisfaction and an increase in turn over and absenteeism; Maintain equity in the system such that experiences, skills, abilities, effort and other obvious inputs should explain differences in performance hence pay, job assignments and other rewards.

A study carried out by the US Department of Labour to find out job factors from a prepared list of 23, the workers considered important starting from the most important factor, white collar workers selected interesting work, opportunities for development, enough information, enough authority, enough help and resources, friendly, helpful co-workers, see results of won efforts, competent supervision, clearly defined responsibilities, good pay. Blue collar workers selected good pay, enough help resources, job security, enough information, interesting work, friendly helpful co-workers, clearly defined responsibilities, see results of own efforts, enough authority, competent supervision (Sanzotta, 1977). In another study by Lindner (1998) and others to describe the importance of certain factors in motivating employees as Piketon Research and Extension Centre, the employees ranked the motivating factors in the following order; interesting work, good wages, full appreciation of work done, job security, good working conditions, promotions and growth in the organization, feeling of being in on things, personal loyalty to employees, tactful discipline and sympathetic help with personal problems. A study of industrial employees conducted by Kovach (1987 as cited by Lindner, 1998) had the following factors ranked in order of motivational importance; interesting work, full appreciation of work done, feeling of being in on things. The studies indicate that different factors have different levels of motivation on different employees and thus managers have to understand what motivates their employees and link it to their organizational goals and performance.

2.3.4 Structural Changes

Cohen and Bailey (2007) defined organizational structure as how individual and team work within an organization are coordinated. To achieve organizational goals and objectives, individual work needs to be coordinated and managed. Structure is a valuable tool in achieving coordination, as it specifies reporting relationships (who reports to whom), delineates formal communication channels, and describes how separate actions of individuals are linked together. Organizational structure defines the supervisory relationships, departmental structure and workflow within a company. The different elements making up organizational structures are formalization, centralization, number of levels in the hierarchy, and departmentalization (Newell, 2009).

Organizational structures can inhibit or promote performance, depending on how effectively the supervisory relationships and workflow influence productivity. These define departmental structure and the reporting hierarchy (Belbin, 1991). Performance management involves goal-setting activities and periodic reviews by managers in the reporting hierarchy. Without defined policies and procedures that are consistently enforced throughout the organization, performance management strategies can fail to achieve their desired goal of improving product and service quality for end-user customers (Sanzotta, 1977). Lindner (1998) identified steps associated with performance management as reviewing organizational goals, prioritizing work, specifying targets, identifying specific measures and metrics, aligning employees' goals to the company's strategic objectives and defining standards.

According to Xyrichis and Ream (2008), organizational structure focuses on the layout of departments and job roles in a company in the context of reporting relationships. A company's structure can be drawn as a top-down flowchart, with each connected node representing a different position in the company that reports to the position above it and possibly supervises the positions directly below it. Since performance management revolves around the relationships between supervisors and their subordinates, organizational structure can provide guidance on which positions should include responsibility for monitoring and reviewing the performance of people in other positions.

Organizational structure delineates who reports to and receives instructions from whom. This in turn affects the ways in which performance reviews are handled. If your organizational structure features a tall hierarchy, for example, individuals are likely to work closely with a departmental supervisor who helps them to set performance goals and performs an annual review of progress toward those goals at least once per year. If you have a flatter hierarchy, on the other hand, performance goals are more likely to be set by employees themselves, while 360-degree feedback is more likely to be used to monitor individuals' progress. Design performance review policies around the structure of reporting relationships in your company to make individual performance feedback more relevant to organizational goals (Lafatso and Larson, 2001) .

Newell (2009) concluded that organizational structure can influence whether performance-management systems focus on individual or team performance. Traditional departmental structures with redundant job roles can lend themselves well to individual performance reviews. In an accounting department with five accounts-receivable clerks, for example, it would be more logical to review each clerk's individual performance and contributions to the department than review the team as a whole. In organizational structures featuring close-knit, cross-functional teams, on the other hand, it can be more meaningful to assess performance for the group as a whole. In a team-oriented structure, managers must choose between using team performance to make decisions on individual compensation or to combine individual and group considerations to ensure fairness to top performers (Torrington and Weightman, 2004).

The distribution of in-house and remote job roles in a company is defined by organizational structure, and it can impact a few practical considerations in performance management. In many cases, remote or work-at-home employees can find themselves at a disadvantage in performance reviews. It can be challenging to accurately track how much overtime a remote employee puts into a special project, for example. Remote employees can find fewer opportunities to help others, provide strategic input in meetings, coach new employees and contribute to team cohesiveness, all of which can influence the outcomes of performance reviews (Xyrichis and Ream, 2008). Remote employees can also struggle to keep up with new administrative policies as they evolve in the office, which can tarnish others' perception of quality in their work. If you employ a large number of remote employees, design your performance review policies to work around these disadvantages by focusing on individual goals related to individual job roles.

2.3.5 Performance

According to Hunt (2002), Performance of an individual at work is a function of ability, experience, goals and values, effort and rewards. Ability involves reasoning, spatial-visual, perceptual and manual. Ability is inborn, capacity or aptitude is learned and capability is developed over time depending on job requirements. Experience means knowledge, skills, practice and situational familiarity. Performance increases with experience wherever knowledge, skill and practice are relevant to the job. Experience impacts positively on confidence in the knowledge or awareness that one can do the job.

The author indicates that an individual's motivation is the best predictor of performance as one chooses to behave in particular ways and select identifiable goals or end- states that are important to one and attempt to achieve them. Motivation is the process whereby goals are recognized, choices made (consciously or not), and effort is directed towards achieving the goal. If we can articulate the goals and their underlying values and beliefs, given the right circumstances, may lead to arousal and potential activity.

Vroom 2004), in his expectancy theory, points out that effort is a function of expectation of outcomes and valances of those outcomes organizations offer individuals rewards as inducement to work hard, which may be extrinsic (wage, salary, bonuses, commission payments, working conditions, vehicle, pension), or intrinsic (opportunity to satisfy other goals, lifestyle, comfort, sense of achievement, companionship, status, public acclaim, challenge, interesting tasks) (Herzberg, et. al. 2009).

Hunt also points out other factors that affect performance, to include nature of job, formal and informal structures, technical systems the boss and colleagues. Of all abilities, capacity to conceptualize has been found to correlate with performance. Goals, values and effort provide the best data on how an individual is likely to perform.

Etcoff (2005), a lead researcher with Harvard University and Massachusetts General Hospital researchers, found out that commitment is largely influenced by ones sense of purpose, feeling of personal impact and overall trust in the organization, while productivity is affected by the quality of human relationships including cooperative, social group mood and interactions hence they concluded that workplaces that provide positive environments that foster interpersonal trust and quality personal relationships create the most committed and productive employees. According to Coutney Anderson, a business strategist (as cited by Etcoff, 2005), outstanding leadership today means much more than just doing the job. Success is creating an environment that fosters happy committed productive team members and employees commit to leaders who demonstrate confidence, credibility and flexibility. The Harvard researchers further found that employee happiness is positively and significantly affected by trust and identification with ones co-workers and that the greater the level of purpose one attributes to his or her work correlates to a greater commitment to the organization and productive employees are as a result of a winning combination of trust and support.

In a study of factors that impact employees wellbeing, commitment and productivity, researchers at Harvard found out that to align commitment, providers should focus on training and support, encouragement and rewards as well as teamwork and communication. Training helps employees remain integrated within the organization's systems and to update employee skills in response to emerging care techniques. It also helps employees to continue to navigate workplace and employer expectations.

Supporting education and personal development invests in a more informed workforce and affirms employee's personal goals. Encouragement and reward were found to give an employee important feedback and a way to affirm that employee's hard work and motivations are aligned with the organization's goals. Rewards are symbolic of an employee's worth to the organization.

Teamwork was also found to be essential to productivity and efficiency and it builds the foundation for communication among co-workers and between teammates and their supervisor. It was found that when employees are put in a smoothly functioning team, they become comfortable with their place and role in the organization. Fully integrated employees are the organization's most committed and they know their place within the organization and should be fully empowered to make a unique, creative contribution. The employees feel a sense of pride in belonging to the organization and are ready and willing to strive for organization goals and embrace participation in that effort, become problem solvers and are willing to take initiative (Shiverick, Janelle & Anichini, 2009).

2.4 Conceptual Framework

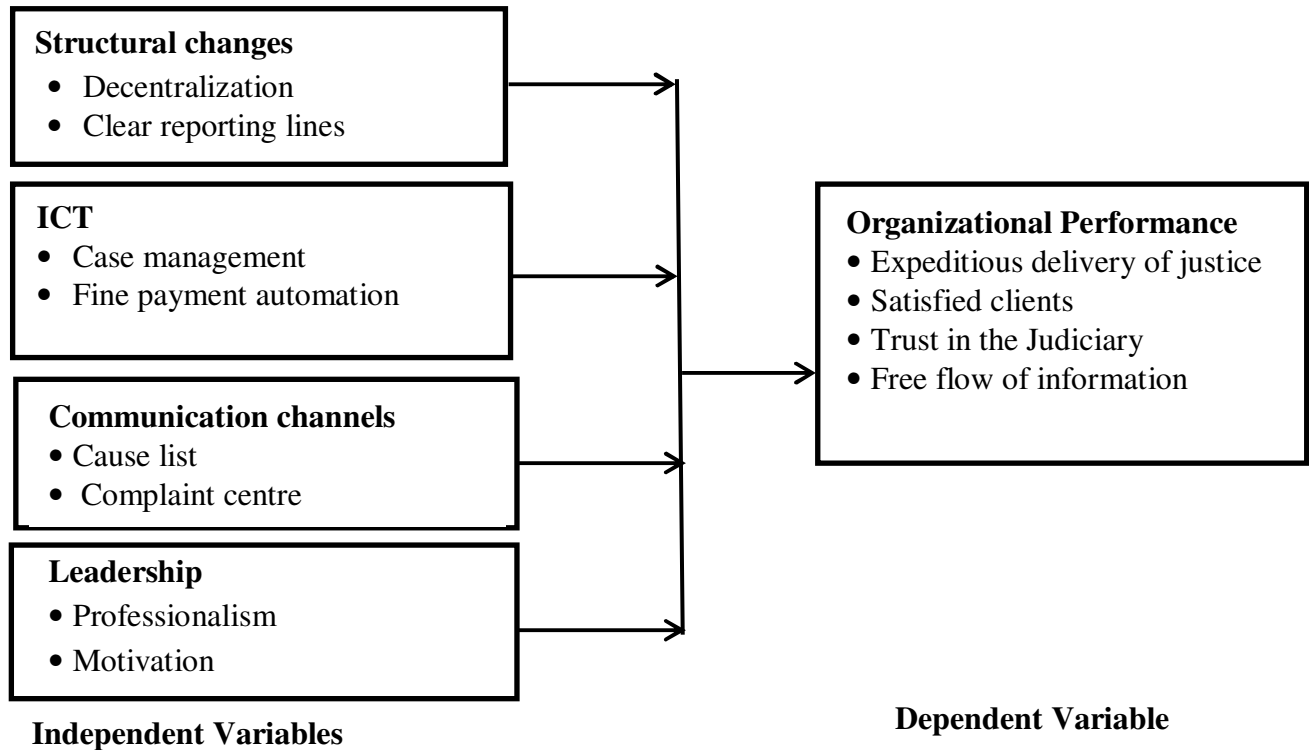


Figure 2. 1: Conceptual Framework

Source: Conceptualized by the Researcher

2.5 Summary of Literature Reviewed

Organizational change is operationalized as change in organizational structure, technology, communication channels and leadership and management. The organizational structure design provides a framework through which resources are allocated and distributed, change activities are coordinated and integrated, authority is exercised and information flows through the organization.

The organizational structure provides managers a forum on which to design organization vision, mission, goals, objectives and performance expectations and the desired organizational behavior aligned towards their attainment. Leadership influences organization behavior through organizational culture using the values, beliefs, norms and assumptions through formalization procedures and aligns and links organizational structure and culture to organizational performance.

Organizational change is expected to have an impact on performance. Structural changes, introduction of ICT, good organizational communication and good leadership has been shown to have an impact on organizational performance. For instance, Leach, Wall, Rogelberg & Jackson (2005) established that teamwork in organizations led to more improved performance of team members and the organization due to motivational benefits of enriched jobs, the opportunity for team members to respond rapidly and flexibly to work demands, and gains in members' skills and knowledge with greater involvement in work activities affords.

Employee commitment is the driving force behind an organization's performance. An employee with high commitment will often go above and beyond what is required of his/her position in order to assist the organization in meeting its goals (Herscovitch, 2002). Employees with high commitment tend to be absent from work less frequently and display a higher work motivation and organizational citizenship (McShane, 2001). When employees are not committed to the organization, they tend to do simply what is required, have higher rates of absenteeism, and low motivation (Meyer and Allen, 2001).

Organizational communication can also be affected by organizational change, which could affect organizational performance. Numerous studies have linked organizational communication and the degree to which employees are informed to job satisfaction and performance (Gray & Laidlaw, 2002; Rosenfeld, Richman & May, 2004; Zucker, 2002). The competitive advantage of strategic communication comes not only from the obvious benefits of employee satisfaction and productivity, but also from the positive contributions that well-informed employees can make to a company's external public relations efforts. Employees can be an organization's best ambassadors or loudest critics, depending whether and how they get information (Howard, 2008). Effective organizational communication can enhance corporate reputation and credibility, since employees are viewed as particularly credible sources by external stakeholders.

CHAPTER THREE: RESEARCH METHODOLOGY

3.1 Introduction

Research design constitutes the blueprint for the collection, measurement, and analysis of data. It is a plan and structure of investigation so conceived as to obtain answers to research questions. The plan is the overall scheme or programme of the research (Cooper and Schindler 2000). According to Mugenda and Mugenda (1999), more often the data in qualitative research are in the form of words rather than numbers and these words are grouped into categories. They further observe that human behavior is explained best by using qualitative research.

3.2 Research Design

Research design provides a global guidance for the collection and analysis of data of a study (Churchill, 1999). Importance of research design stems from its role as a critical link between the theory and argument that informed the research and the empirical data collected (Nachmias, 2008). According to Kothari (2004), a descriptive research study is concerned with describing the characteristics of a particular individual or group, whereas diagnostic studies determine the frequency with which something occurs or its association with something else.

The study used descriptive research design in collecting the data from respondents. The design was preferred because it was concerned with answering questions such as who, how, what, which, when and how much (Cooper and Schindler, 2000). The descriptive study was carefully designed to ensure complete description of the situation, making sure that there was minimum bias in the collection of data and reduced errors during interpretation stage of the collected data. Our descriptive study was a case study of the Kenyan Judiciary.

3.3 Target Population

The study targeted a population of 1,102 people which comprised of 102 senior advocates in Nairobi and 1000 litigants who visited Milimani Law Courts. The entire population of senior advocates in Nairobi, 102 in number, was issued with questionnaires. The primary advantage of this method is that there is no bias in the research findings since the whole population gives their views and therefore this ensures authenticity of the research.

3.4 Sample Size and Sampling Technique

According to Gay (2003), sampling is a process in which a number of individuals are selected for a study in such a way that the larger group from which these individuals were selected are represented by them. The intent of sampling is to obtain information about a larger population. A population which the researcher aims to investigate and generate results from the study is referred as a target population, although the population that is selected by the researcher from a more realistic perspective is known as the accessible population. He explained that the steps to be taken on sampling are: (a) to identify the population; (b) to determine the required sample size and (c) to select the sample. Samples can be selected on a way that all individuals in the defined population have the same chance of being selected for the sampling. Systematic sampling was used to derive a sample of the litigants whereby in every ten litigants visiting Milimani Law Courts, the 10th person was issued with a questionnaire, effectively giving a sample size of 100 litigants.

According to Gay (2003), samples should be as large as possible. He advised that the larger the sample, the most likely it was more representative of the population. Minimum acceptable sampling sizes depended on the type of research; there are no defined minimum acceptable sampling sizes. He also suggested that for correlational research, 30 cases or more are required. For descriptive research, 10% of the accessible population is enough and for experimental studies at least 30% cases are required per group.

3.5 Data Collection Instruments and Procedures

A pilot study was first conducted to test for the reliability and validity of the research. Primary data was collected using a semi structured questionnaire. The questionnaires were administered using the drop and pick later method. The study used primary data obtained through interviews. The interview guide was in form of a questionnaire personally administered by the researcher. The questions were structured and respondents were fully informed about the purpose of data collection. The interview guide consisted of both open ended and closed ended questions. The open ended questions were meant to avoid limiting the respondents in answering the questions. A likert scale was also used for close-ended questions.

Authority to carry out the study at Milimani law courts was sought from the office of the Chief Registrar, Judiciary. Questionnaires are cost effective and could be distributed to a larger population over a shorter period of time. They provide data amenable to quantification, either through the simple counting of boxes or through the content analysis of written responses.

3.6 Data Processing and Analysis

After all data was collected, data cleaning was done to determine inaccurate, incomplete, or unreasonable data. Data quality was improved through correction of detected errors and omissions. After data cleaning, the data was coded and entered in the computer for analysis using the Statistical Package for Social Sciences (SPSS) version 21.

Table 3.1: Ordinal Data’s Rating

Scale	Ratings
1	Strongly agree
0.75-0.99	Agree
0.5-0.74	Neutral
0.25-0.49	Disagree
0-0.24	Strongly disagree

The quantitative data was then analyzed using frequency counts and percentages and means. The results of data analysis were presented using frequency distribution tables, charts and graphs. The relationship between independent and dependent variables were done through path analysis. Path analysis is a straightforward extension of multiple regression. Its aim is to provide estimates of the magnitude and significance of hypothesised causal connections between sets of variables. Path analysis helped us to understand how the typical value of the dependent variable changes when any one of the independent variables is varied, while the other independent variables are held constant. Path analysis estimates the conditional expectation of the dependent variable given the independent variables, that is, the average value of the dependent variable when the independent variables are constant.

CHAPTER FOUR: DATA ANALYSIS, RESULTS INTERPRETATION AND DISCUSSION

4.1 Introduction

This chapter presents the analysis and findings of the study as set out in the research methodology. The results are presented on whether organizational change had an effect on employee performance at the Kenyan Judiciary. The findings of the research are presented based on four objectives: To determine the effects of structural changes on the performance of the Judiciary in Kenya, to explore the effects of ICT on the performance of the Judiciary in Kenya, to establish the effects of organization communication on the performance of the Judiciary in Kenya and to determine the effects of leadership on the performance at the Judiciary in Kenya.

4.1.1 Response Rate

The study targeted a total of 202 respondents, 102 senior advocates and 100 litigants (a sample size of 100 was used). This included 49.5% litigants and 50.5% advocates. The results of the response rate are presented in figure 4.1.

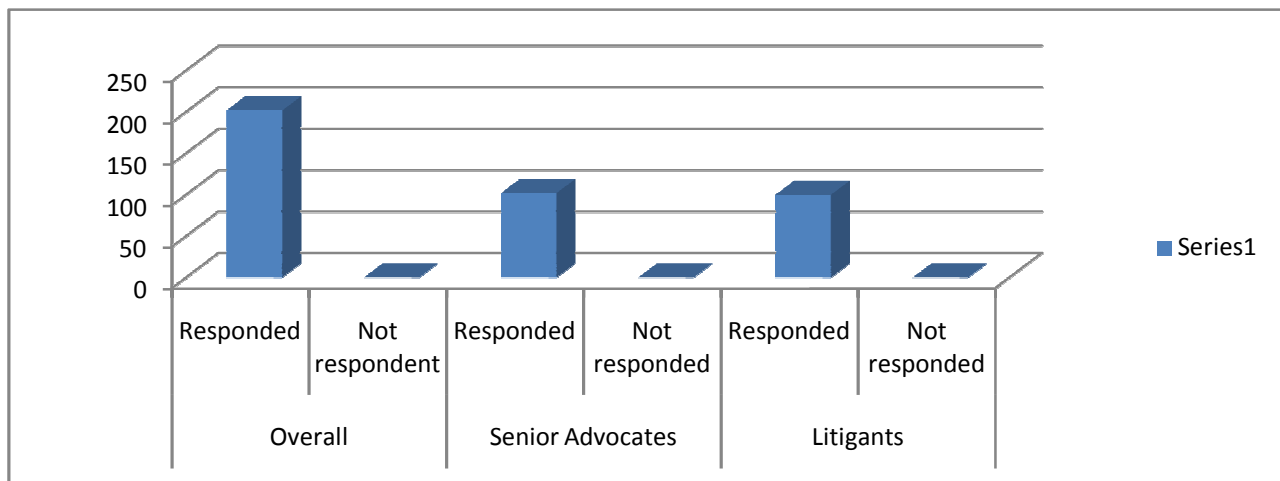


Figure 4.1: Response Rate

As shown in figure 4.1, all the respondents responded and returned their questionnaires contributing to 100% response rate. This response rate was excellent and representative and conforms to Mugenda and Mugenda (1999) stipulation that a response rate of 50% is adequate for analysis and reporting; a rate of 60% is good and a response rate of 70% and above is excellent. This commendable response rate was due to extra efforts made via personal calls and visits to remind the respondents to fill-in and return the questionnaires.

4.2 General Information

4.2.1 Gender of the Respondents

The study required the respondents to indicate their gender. The findings of the respondents are presented in figure 4.2.

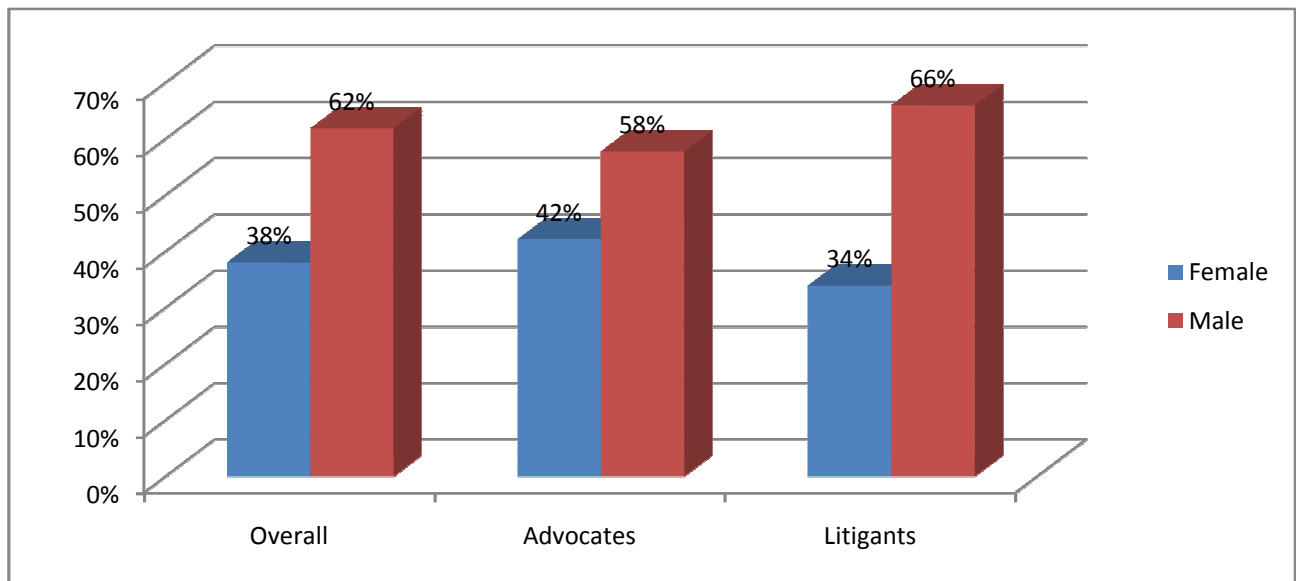


Figure 4.2: Gender among the Respondents

From the findings in figure 4.2, overall, 62% of the respondents were male while 38% were female. This implies that there was no gender bias on the results since both genders were adequately represented. Specifically for the advocates, 58% of the respondents were male while 42% were female. Indeed, this confirms that the majority of senior advocates in Kenya are male. From the findings, for the litigants who responded, 66% were male while 34% were female.

4.2.2 Age Groups of the Respondents

4.2.2.1 Age Groups of the Advocates

The study sought to establish the age group of the respondents. The findings on the age group of the advocates are presented in table 4.1.

Table 4.1: Distribution of Age Groups among Advocates

Age cat (Years)	Frequency	Percent
18-25	0	0.00%
26-35	2	2.00%
36-45	56	54.90%
46 and above	44	43.10%
Total	102	100.00%

From the findings in table 4.1, the advocates ranged in age groups between 26 and above 45 years of age. Majority of the senior advocates were at age group 36-45 (54.9%) followed by age group 46 and above which was rated at 43.1%. Those advocates at age group between 26 and 35 years were rated at 2%. From the findings, it is worth noting that none of the senior advocates were aged between 18 and 25 years.

4.2.2.2 Age Groups of the Litigants

The study sought to find out the age group of the litigants. The findings on the age group of the litigants are presented in table 4.2.

Table 4.2: Distribution of age groups among Litigants

Age cat (Years)	Frequency	Percent
18-25	9	9.00%
26-35	21	21.00%
36-45	37	37.00%
46 and above	33	33.00
Total	100	100.00%

From the findings in table 4.2, it was observed that majority of the litigants were at the age group 36-45 (37%) followed by age 46 and above (33%). 21% of the litigants were at age group 26-35 while 9% were at age group 18-25. From the age of 18 years and above, the litigants were well represented hence there was no bias when age as a factor was considered.

4.2.3 Practicing Duration as an Advocate

The study sought to establish the number of years the advocates had been practicing in the legal sector. The findings are represented in table 4.3

Table 4.3: Duration as an Advocate

Duration (Years)	Frequency	Percent
0-5	0	0.00%
6-10	3	2.94%
11-15	40	39.22%
16 and above	59	57.84%
Total	102	100.00%

From the findings in table 4.3, majority of the senior advocates rated at 57.84% had practiced for more than 15 years. The advocates who had practiced between 10 and 15 years were rated at 39.22% while those who had practiced between 5 and 10 years were rated at 2.94%. There was no senior advocate among the advocates who had practiced for less than 5 years. This is important to our study since these senior advocates were practicing before the reforms and after the reforms hence had a better view of whether the performance of the Judiciary had been affected by the organizational change.

4.3 Level of Agreement on Organizational Performance

The study required the respondents to indicate their level of agreement with the statements that relate to organizational performance. The results are represented in table 4.4.

Table 4.4: Performance of Various Outcome Variables

Organizational performance	Mean	Variance
Access to and expeditious delivery of justice	52%	10%
Satisfied customers from good service	67%	4%
Trust in the Judiciary	66%	6%
Improved innovation and creativity	53%	5%
Improved teamwork	60%	3%
Free flow of information	60%	4%

From the findings in table 4.4, overall, the performance of the Judiciary were rated as above average. Specifically, access to and expeditious delivery of justice was rated at 52%, satisfied customers from good service was rated at 67%, trust in the Judiciary was rated at 66%. The respondents also rated improved innovation and creativity at 53%, team work among the staff in Judiciary at 60% while free flow of information was rated at 60%.

Leach et al (2005) concluded that organizational change will have an impact on performance, whether positive or negative. Leaders who encourage teamwork and support employees working under them realize improved performance in organizations. Employees will in turn be motivated and will remain committed to their work. Herscovitch (2002) explains that employee commitment is the driving force behind an organization's performance. McShane (2001) explains that employees with high commitment will go out of their way to do what is required of them. The researcher concluded that the performance of the Judiciary has been rated as above average since the employees were motivated. Balogun concluded that organizations that were used to centralization had employees that depended on their leaders to make decisions for them hence the employees were less innovative and creative. The Kenyan Judiciary's structure was highly centralized at the national level, with the transformed Judiciary embracing decentralization, employees are yet to get used to the new changes.

4.4 Structural Changes

The study sought to determine whether structural changes had an impact on organizational performance. The results are best presented in table 4.5.

Table 4.5: Effects of Structural Changes on the Performance of the Judiciary

Structural changes	Mean	Variance
Clarity in reporting lines	59%	2%
Trust in the Judiciary	80%	3%
Reduction in corruption	78%	4%
Satisfied clients	78%	4%
Improved provision of tools and equipment for work	74%	1%

From the findings illustrated in table 4.5, it was established that, due to various structural changes adopted by the Judiciary, the respondents were able to recognize positive changes in the Judiciary. Clarity in reporting lines was rated at 59%, trust in the Judiciary was rated at 80%, reduction in corruption at 78%, clients' satisfaction at 78% and improved provision of tools and equipment for work at 78%. The overall agreement on the positive effect by the structural changes adopted was at 72%.

According to Balogun (2004), majority of organizational changes can be considered structural changes. The degree to which a company is centralized and formalized, the number of levels in the company hierarchy, and the type of departmentalization the company uses are key elements of a company's structure. These elements of structure affect the degree to which the company is effective and innovative as well as employee attitudes and behaviors at work. These elements come together to create mechanistic and organic structures. Mechanistic structures are rigid and bureaucratic and help companies achieve efficiency, while organic structures are decentralized, flexible, and aid companies in achieving innovativeness. The Kenyan Judiciary has employed many senior officers both in the national and station level, this explains why clarity in reporting lines was rated lowly, employees were still getting used to the changes.

4.5 Information and Communication Technology

The study required the respondents to indicate their level on agreement on whether ICT had improved the performance of the Kenyan Judiciary. The findings are presented in table 4.6.

Table 4.6: Effects of Information and Communication Technology on the Performance of the Judiciary

Information and Communication Technology	Mean	Variance
Reduced repetitive tasks	85%	7%
Simplified procedures court registry processes	75%	2%
Increased accuracy and speed of data capturing	67%	6%
Increased order in the storage of data	80%	2%
Increased speed in retrieval of information	75%	3%
Quick reference while being attended to	75%	4%
Reduced traffic in the court corridors	69%	3%
Improved case tracking	68%	3%

Generally, the level of agreement by the respondents to ICT as having improved functioning of Judiciary was at 74%. Specifically, agreement of ICT to have reduced repetitive tasks was at 85%, simplified procedures in court registry processes was rated at 75%, increased accuracy and speed of data capturing at 67%, increased order in the storage of data at 80%, increased speed in retrieval of information at 75%, quick reference while being attended to at 75%, reduced traffic in the court corridors at 69% and improved case tracking at 68%.

Similar finding was demonstrated by (Bhattacharjee, 2012) where computerization and information technology was found to play a major role in improving the quality and delivery of justice. Introduction of ICT has improved efficiency in the Judiciary and has also increased trial speed. Retrieval of files has become easy since the introduction of ICT.

4.6 Organization Communication

The study sought to find out whether good organization communication had an impact on the performance of the Kenyan Judiciary. The results are presented in table 4.7.

Table 4.7: Effects of Organization Communication one the Performance of the Judiciary

Organization communication	Mean	Variance
Cause list issued on time	74%	3%
Satisfied customers from good service	67%	4%
Improved innovation and creativity	53%	5%
Motivated staff	71%	2%
Improved operational efficiency	66%	6%

Overall, the respondents showed an agreement of 66% improvement in organized communication by the Judiciary. Specifically, the respondents agreed (74%) that cause list was issued on time, customer were satisfied from the good service (67%), improvement on innovation and creativity was at 53%, staff motivation at (71%) and improved operational efficiency was 66%.

Torrington and Weightman (2004) defined organization communication as a product of deliberate attempts by management to communicate, or enable specific communications within organization structure and to the outside environment. It further asserted that effective communication is the foundation for effectiveness in any type of organization and that as leaders and managers mature, they realize the need to effectively convey and receive information and efforts at communications (internal and external) increase substantially. This has been supported by our findings.

Zucker (2002) linked organizational communication and the degree to which employees are informed to job satisfaction and performance. Strategic organization communication results to employee satisfaction and productivity. Satisfied employees will in turn give their best at work and this explains why respondents were satisfied from the good service, it also explains why cause list was issued on time and improved operational efficiency. Howard (2008) explains that well informed employees positively contribute to an organization's external public image. Employees are the best ambassadors or loudest critics of an organization depending whether and how they get information.

4.7 Leadership

The study required the respondents to rate the effects of leadership on the performance of the Kenyan Judiciary. Table 4.8 summarizes the findings.

Table 4.8: Effects of Leadership on the Performance of the Kenyan Judiciary.

Leadership	Mean	Variance
Professionalism while attending to clients	74%	3%
Motivated staff	64%	8%
The leadership provides sufficient corporate direction	54%	6%
Increased sense of trust in the organization	66%	6%
Employee health initiatives to avoid stress and burnout	73%	1%

Generally, the respondents agreed (66%) that new leadership had a positive effect in the Judiciary. The effect on professionalism while attending to clients was rated at 74%, motivated staff was rated at 64%. The leadership that provide sufficient corporate direction was rated at 54%. This was attributed to the fact that most of the senior staff had been employed hence they were still learning the processes of the organization. Increased sense of trust in the Judiciary was rated at 66% while employee health initiatives to avoid stress and burnout was rated lowly (73%).

Based on the Herzberg, Mausner and Snyderman (2009), organizational managers need to understand each individual employee and their current needs in order to motivate them. Motivated employees will perform better than non-motivated employees. Our findings were in line with these findings as it associated better leadership with motivated staff. The leaders at the Judiciary also ensured that the employee health initiative to avoid stress and burnout was taken care of hence resulted to motivated employees.

4.8 Path analysis

The study conducted path analysis so as to establish whether organization change had effects on employee performance at the Kenyan Judiciary. The study applied the Statistical Package for Social Sciences (SPSS) to code, enter and compute the measurements of the path analysis for the study.

4.8.1 Model one

A path analysis was done to establish whether organizational change had effects on access to and expeditious delivery of Justice. The results are summarized in table 4.9.

Table 4.9: Access to Expeditious Delivery of Justice

Variable	Coefficient	Std	
		Error	P-Value
Reduced repetitive tasks	0.791	0.224	0.000532
Motivated staff	0.612	0.097	0
Improved innovation and creativity	-0.237	0.121	0.051821
Enhanced sense of obligation or duty to the organization	0.456	0.149	0.002541
Improved operational efficiency	-1.481	0.312	0.000004
Constant	-0.409	0.245	0.096087

The findings indicated that organizational performance had paths to it from structural changes, ICT, organizational communication and leadership. The coefficients are the paths leading to access to expeditious delivery of justice. 0.791 from reduced repetitive tasks, 0.612 from motivated staff, and 0.456 from enhanced sense of obligation or duty to the organization were recorded. These coefficients implied that when all other variables were held constant, each independent variable would cause access to expeditious delivery of justice.

Improved innovation and creativity and improved operational efficiency affects access to expeditious delivery of justice negatively but reduced repetitive tasks, motivated staff and enhanced sense of obligation or duty to the organization has positive effects.

4.8.2 Model Two

A path analysis was done to establish whether organizational change had effects on simplified court procedures. The results are presented in table 4.9.

Table 4.10: Simplified Court Procedures

Variable	Coefficient	Std	
		Error	P-Value
Decentralization of both judicial and administrative office	-0.221	0.057	0.000159
Clarity in reporting lines	0.219	0.069	0.0019
Improved innovation and creativity	0.149	0.043	0.000718
Improved operational efficiency	0.362	0.071	0.000001
CONSTANT	0.392	0.101	0.000138

The findings illustrated that ICT has paths to it from structural changes, organization communication and leadership. The path coefficients leading to simplified court procedures are: 0.219 from clarity in reporting lines, 0.149 improved innovations and creativity, and 0.456 from improved operational efficiency. Decentralization of both judicial and administrative office negatively affects simplification of court procedures.

4.8.3 Model Three

A path analysis was done to establish whether organizational change had effects on satisfied clients. The results are presented in table 4.10.

Table 4.11: Satisfied Clients

Variable	Coefficient	Std	
		Error	P-Value
Professionalism while attending to clients	0.79	0.052	0
Motivated staff	0.236	0.033	0
Employee health initiatives to avoid stress and burnout	0.533	0.078	0
CONSTANT	-0.329	0.066	0.000001

From the findings in table 4.11, professionalism while attending to clients was seen to have a positive effect on the client satisfaction with a coefficient of 0.79. Motivated staff with a coefficient of 0.236 and employee health initiatives to avoid stress and burnout with a coefficient of 0.533. Professionalism while attending to clients, motivated staff and employee health initiatives to avoid stress and burnout all had positive effect on the customer satisfaction.

4.8.4 Model Four

A path analysis was done to establish whether organizational change had effects on motivated staff. The results are presented in table 4.12.

Table 4.12: Motivated Staff

Variable	Coefficient	Std Error	P-Value
The leadership provides sufficient corporate direction	0.064	0.02	0.001572
Increased sense of trust in the organization	0.522	0.026	0
CONSTANT	0.345	0.03	0

From the findings in table 4.12, Leadership provides sufficient corporate direction and increased sense of trust in the organization also had positive effect on staff motivation.

CHAPTER FIVE:

SUMMARY, CONCLUSION AND RECOMMENDATIONS

5.1 Introduction

The chapter presents a summary of the results on the effects of organizational change on the performance of the Kenyan Judiciary. Based on the findings in chapter four, the study gives recommendations on what needs to be done in order to improve the performance of the Kenyan Judiciary. The suggestions for further research are also presented. The recommendations are based on the objectives and research questions of the study. The researcher had intended to determine whether structural changes, ICT, organization communication had an effect on the performance of the Kenyan Judiciary.

5.2 Summary of the Major Findings

5.2.1. Effects of Structural Changes on the Performance of the Kenyan Judiciary

The findings of the research indicated that structural changes as per the respondents overallly improved the performance of the Kenyan Judiciary. The researcher found out that with structural changes, there was reduction in corruption hence clients were satisfied. This improved the trust people had in the Judiciary. These findings for organizational change are similar to those by (Pearce and Robinson, 2010) in that improvement in the organizational performance was from within the organization's internal environment.

The same findings were demonstrated by Balogun (2004) who concluded that majority of organizational changes can be considered structural changes. The degree to which a company is centralized and formalized, the number of levels in the company hierarchy, and the type of departmentalization the company uses are key elements of a company's structure. The Kenyan Judiciary has employed many senior officers both in the national and station level, this explains why clarity in reporting lines was rated lowly, employees were still getting used to the changes.

5.2.2. Effects of ICT on the Performance of the Kenyan Judiciary

According to the study, the respondents strongly agreed that ICT was a major influence in organizational performance of the Kenyan judiciary. ICT had enabled reduced repetitive tasks, it had simplified procedures and court registry processes, increased accuracy and speed of data capturing, increased order in the storage of data hence increased general speed in retrieval of information. Litigants were therefore attended to fast since case tracking was easier thus reduced traffic in the court corridors.

Generally, the level of agreement by the respondents to ICT as having improved functioning of Judiciary was at 74%. Similar finding was demonstrated by (Bhattacharjee, 2012) where computerization and information technology was found to play a major role in improving the quality and delivery of justice. Introduction of ICT has improved efficiency in the Judiciary and has also increased trial speed. Retrieval of files has become easy since the introduction of ICT.

5.2.3 Effects of Organization Communication on the Performance of the Kenyan Judiciary

The findings established that with organization communication, there was improvement in the overall communication in the organization in that cause list was issued on time hence clients became more satisfied. Staff were motivated, though they were not perceived to be innovative and creative. Overallly, the respondents showed an agreement of 66% improvement in organization communication by the Judiciary.

This findings agree with the findings of Zucker (2002) who linked organizational communication and the degree to which employees are informed to job satisfaction and performance. Strategic organization communication results to employee satisfaction and productivity. Satisfied employees will in turn give their best at work and this explains why respondents were satisfied from the good service, it also explains why cause list was issued on time and improved operational efficiency. Howard (2008) explains that well informed employees positively contribute to an organization's external public image.

5.2.4 Effects of Leadership on the Performance of the Kenyan Judiciary

The findings established that the respondents agreed that the leaders led by example, hence staff showed professionalism while attending to clients, the staff were motivated hence there was increased sense of trust in the organization. Generally, the respondents agreed (66%) that new leadership had a positive effect in the Judiciary. The leaders at the Judiciary also ensured that the employee health initiative to avoid stress and burnout was taken care of hence resulted to motivated employees.

This study agrees with the findings of Shipper and Manz that empowering leaders use encouraging behaviors that build competence and confidence. Leading by example, participative decision making, coaching, informing and showing concern for and interacting with the members are all forms of empowering leadership. An individual and members of the teams should be empowered. By so doing, the organization will be able to achieve its objectives and this will make the organization in question to be competing with others in terms of human resource utilization. Shipper and Manz (2002) argued that organizations always strive to become one large empowered team.

5.3 Conclusion

The findings demonstrated that Kenyan Judiciary has shown an overall transformation in the manner in which it has been offering its services to the public. The changes embraced by the Judiciary are structural changes, introduction of ICT, new leaders and better organization communication. This transformation has been viewed to improve the performance of the Kenyan Judiciary. The study concludes that there was free flow of information, improved teamwork, hence clients were more satisfied from the good service. People therefore trusted the Judiciary more.

The study concludes that the structural changes effected by the Judiciary affected positively the performance of the Judiciary. There was improved provision of tools and equipment for work since they were being provided at the station level. This made work easier for employees which in turn motivated them. Clients were therefore satisfied.

Leaders who led by example and supported employees contributed to the good performance of the Judiciary since the employees were motivated to give their best. The leaders motivated staff by improving their health initiatives to avoid stress and burnout. Since leaders led by example, the employees learnt from them thus ensuring professionalism while attending to clients.

The study concludes that the introduction of ICT had improved efficiency in the Judiciary. ICT has simplified court procedures and increased speed when it comes to retrieving information thus reducing people traffic at the court corridors. ICT has also reduced repetitive tasks, increased accuracy and speed of data capturing making and ensured that there was quick reference while attending to clients. ICT has made work easier for the employees since case tracking has become easy.

The study also concludes that good organizational communication, both internal and external is key when it comes to organizational performance. As a result of good organizational communication, cause lists were being issued on time hence respondents were impressed with the performance of the Judiciary. Internal communication in the Judiciary also motivated staff since they were better informed on the processes of the court thus made them effective and efficient.

5.4 Recommendations to the Kenyan Judiciary

From the findings and conclusion, the study recommends the following: Participative decision making should exist at the Judiciary and coaching of team members should be a regular occurrence. This will improve on the innovation and creativity of the staff. Staff should be able to deal effectively with any problem that they encounter.

The study also recommends performance feedback should be a regular and an ongoing part of reward and recognition process at the Judiciary. Performance feedback should be specific rather than general and should not focus on the behavior of the person. Performance feedback should be directed towards behavior which the receiver could do something about and performance corrections should not be given in public.

In addition, the study recommends that the mobile money transfer payment systems available at the Kibera and Milimani Law Courts for traffic fines should be expanded to other types of fines and eventually rolled out across the country. Other mobile phone money service providers should also be brought on board. The Judiciary should also look into the possibility of using debit and credit cards to collect fines and other monies.

In order to serve people better and eliminate opportunities for corruption, the Judiciary should develop a Court Fees Calculator. Once ready, it should be available online so that litigants and lawyers no longer have to visit the courts to calculate how much fees they need to pay. This innovation will save time and minimize avenues for corruption, eliminate instances of overcharging, standardize fees in every court station, and reduce congestion in the registries.

5.5 Recommendation for Further Studies

This study has explored whether organizational change had an effect on employee performance at the Kenyan Judiciary but it only focused on Milimani Law Courts. There is need therefore to have similar studies done in other parts of the country so as to establish if similar performance improvement exists.

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APPENDICES

APPENDIX I: RESEARCH AUTHORIZATION LETTER

KABARAK UNIVERSITY

24th August, 2013.

The Chief Registrar,

Judiciary,

P.O Box 30041-00100,

NAIROBI.

Dear Madam,

RE: AUTHORIZATION TO CONDUCT RESEARCH

I am a student at Kabarak University undertaking a study on the effects of Organization Change on Performance of the Kenyan Judiciary. A questionnaire to be filled in by the senior advocates and litigants will be used to assess the effects of organizational change on performance. A research project report is a university requirement for the award of MBA degree.

Madam, I am therefore requesting you to permit me to undertake the research.

Yours faithfully,

Bridgid Jepkemboi Kong'a.

APPENDIX II: QUESTIONNAIRE

Effects of Organizational Change on Performance

Introduction

The researcher Bridgid Jepkemboi Kong'a of Kabarak University is undertaking this study in fulfillment of a University requirement for a research project report for the award of a MBA degree.

The study aims at investigating the effects of organizational change on performance of the Kenyan Judiciary staff. This will be done by assessing the effects of organizational change on service delivery, satisfaction of clients, trust in the Judiciary and access of information.

All information received through the questionnaire will be confidential and the individual head of station's name should not be written on the questionnaire.

Instructions on How to Complete the Questionnaire

Fully complete the section on personal information. In the other sections, where a question requires a yes or no answer, put a mark on the boxes provided (line next to your answer choice. For the questions with several answer choices, put a mark in the box in front of your preferred answer. For questions requiring explanations, write brief responses in the dashed line spaces provided.

Section A

Part I: Personal Information

1. Gender: Male
Female

2. Indicate your age category:

18-25 years

26-35 years

36-45 years

Above 45 years

3. How long have you been practicing as an advocate?

0-5 years

0-5 years

6-10 years

11-15 years

Over 15 years

Section B

Part I: Effect of Structural Changes on Performance of the Kenyan Judiciary

You are kindly requested to state your degree of agreement or disagreement to each of the given items on a 5-point Likert scale. Insert a cross (x) in the most appropriate column. Use the key below when responding.

- SA = Strongly Agree**
- A = Agree**
- N = Neutral**
- D = Disagree**
- SD = Strongly Disagree**

To what extent do you agree with the statement that:

Stem: The structural changes in the Judiciary has led to:

Structural Changes	SA	A	N	D	SD
Clarity in reporting lines					
Trust in the Judiciary					
Reduction in corruption					
Satisfied clients					
Improved provision of tools and equipment for work					

In your opinion, has the change in organization structure from former Judiciary to the current Judiciary improved service delivery?

Yes

No

Elaborate briefly.....

.....

Part II: Effects of Information and Communication Technology on the performance of the Kenyan Judiciary

You are kindly requested to state your degree of agreement or disagreement to each of the given items on a 5-point Likert scale. Insert a cross (x) in the most appropriate column. Use the key below when responding.

- SA = Strongly Agree**
- A = Agree**
- N = Neutral**
- D = Disagree**
- SD = Strongly Disagree**

To what extent do you agree with the statement that:

Stem: The introduction of information and communication technology in the Judiciary has led to:

Information and Communication Technology	SA	A	N	D	SD
Reduced repetitive tasks					
Simplified procedures court/registry processes					
Increased accuracy and speed of data capturing					
Increased order in the storage of data					
Increased speed in retrieval of information					
Quick reference while being attended to					
Reduced traffic in the court corridors					
Improved case tracking					

Part III: Effects of Communication Channels on the performance of Kenyan Judiciary

You are kindly requested to state your degree of agreement or disagreement to each of the given items on a 5-point Likert scale. Insert a cross (x) in the most appropriate column. Use the key below when responding.

- SA = Strongly Agree**
- A = Agree**
- N = Neutral**
- D = Disagree**
- SD = Strongly Disagree**

To what extent do you agree with the statement that:

Stem: The improved organization communication in the Judiciary has led to:

Organization Communication	SA	A	N	D	SD
Cause list issued on time					
Satisfied customers from good services					
Improved innovation and creativity					
Motivated staff					
Improved operational efficiency					

Part IV: Effect of Leadership on Performance of the Kenyan Judiciary

You are kindly requested to state your degree of agreement or disagreement to each of the given items on a 5-point Likert scale. Insert a cross (x) in the most appropriate column. Use the key below when responding.

- SA = Strongly Agree**
- A = Agree**
- N = Neutral**
- D = Disagree**
- SD = Strongly Disagree**

To what extent do you agree with the statement that:

Stem: The new leadership in the Judiciary has led to:

Leadership	SA	A	D	SD
Professionalism while attending to clients				
Motivated staff				
The leadership provides sufficient corporate direction				
Increased sense of trust in the organization				
Employee health initiatives to avoid stress and burnout				

Part VI: Effect of organizational change on Performance of the Kenyan Judiciary

You are kindly requested to state your degree of agreement or disagreement to each of the given items on a 5-point Likert scale. Insert a cross (x) in the most appropriate column. Use the key below when responding.

- SA = Strongly Agree**
- A = Agree**
- N = Neutral**
- D = Disagree**
- SD = Strongly Disagree**

To what extent do you agree with the statement that:

Stem: The organizational change in the Judiciary has led to:

Organizational Performance	SA	A	N	D	S D
Access to and expeditious delivery of justice					
Satisfied customers from good service					
Trust in the Judiciary					
Improved innovation and creativity					
Improved teamwork					
Free flow of information					

1. What is the average waiting time for a case in Milimani Law court from the time of filing to its disposal?.....

2. What do you feel should be done to improve Judiciary's service delivery?

.....

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.....

.....

THANK YOU FOR YOUR TIME.